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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/613,393  | 07/02/2003  | Durga Prasad Malladi | 030340              | 4457             |
| 23696   | 7590        | 06/01/2005           | EXAMINER            |                  |
| Qualcomm Incorporated<br>Patents Department<br>5775 Morehouse Drive<br>San Diego, CA 92121-1714 |             |                      | PHUONG, DAI         |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2685                |                  |

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/613,393             | MALLADI ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Dai A Phuong           | 2685                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 9 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho et al. (U.S. 6,314,292).

Regarding claim 1, Ho et al. disclose a method for a communication system comprising: transmitting a request message, for acquiring a data packet channel, from a mobile station to a base station (col. 4, lines 3-4); transmitting an assignment message, for said acquiring said data packet channel, from said base station to said mobile station (col. 4, lines 4-9); transmitting a notification message from said base station to a base station controller, wherein said notification message informs said base station controller of a process of said acquiring said data packet channel (col. 4, lines 9-36. Notice that, BSC 16 assigned a SDCCH channel to mobile station 32 for temporary, and an interim a TCH/F channel is assigned by MSC or BSC).

Regarding claim 2, Ho et al. disclose all the limitation in claim 1. Further, Ho et al. disclose the method further comprising: completing said acquiring said data packet channel (col. 4, lines 19-21); transmitting an indication message from said mobile station to said base station controller indicating a successful completing of said acquiring said data packet channel (fig. 2, col. 4, lines 31-36).

Regarding claim 3, Ho et al. disclose all the limitation in claim 2. Further, Ho et al. disclose the method further comprising: processing said indication message for message integrity at said base station controller (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station).

Regarding claim 4, Ho et al. disclose all the limitation in claim 3. Further, Ho et al. disclose the method further comprising: transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said message integrity process (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 5, Ho et al. disclose all the limitation in claim 4. Further, Ho et al. disclose the method as recited in claim 4 further comprising: releasing resources allocated to said acquiring said data packet channel (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 6, Ho et al. disclose all the limitation in claim 2. Further, Ho et al. disclose the method further comprising: processing said indication message for security feature at said base station controller (col. 4, line 19-24).

Regarding claim 7, Ho et al. disclose all the limitation in claim 6. Further, Ho et al. disclose the method further comprising: transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said security feature process (col. 4, line 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 8, this claim is rejected for the same reasons as set forth in claim 5.

Regarding claim 10, Ho et al. disclose all the limitation in claim 1. Further, Ho et al. disclose the method further comprising: allocating a portion of communication resources at said base station for response to said request message for acquiring a data packet channel (col. 4, lines 21-36).

Regarding claim 11, Ho et al. disclose an apparatus for a communication system comprising: means for transmitting a request message, for acquiring a data packet channel, from a mobile station to a base station (col. 4, lines 3-4); means for transmitting an assignment message, for said acquiring said data packet channel, from said base station to said mobile station (col. 4, lines 4-9); means for transmitting a notification message from said base station to

a base station controller, wherein said notification message informs said base station controller of a process of said acquiring said data packet channel (col. 4, lines 9-36. Notice that, BSC 16 assigned a SDCCH channel to mobile station 32 for temporary, and an interim a TCH/F channel is assigned by MSC or BSC).

Regarding claim 12, Ho et al. disclose all the limitation in claim 11. Further, Ho et al. disclose the apparatus further comprising: means for completing said acquiring said data packet channel (col. 4, lines 19-21); means for transmitting an indication message from said mobile station to said base station controller indicating a successful completing of said acquiring said data packet channel (fig. 2, col. 4, lines 31-36).

Regarding claim 13, Ho et al. disclose all the limitation in claim 12. Further, Ho et al. disclose the apparatus further comprising: means for processing said indication message for message integrity at said base station controller (col. 4, lines 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station).

Regarding claim 14, Ho et al. disclose all the limitation in claim 13. Further, Ho et al. disclose the apparatus further comprising: means for transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said message integrity process (col. 4, lines 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile

station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 15, Ho et al. disclose all the limitation in claim 14. Further, Ho et al. disclose the apparatus further comprising: means for releasing resources allocated to said acquiring said data packet channel (col. 4, lines 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 16, Ho et al. disclose all the limitation in claim 12. Further, Ho et al. disclose the apparatus further comprising: means for processing said indication message for security feature at said base station controller (col. 4, lines 19-24).

Regarding claim 17, Ho et al. disclose all the limitation in claim 16. Further, Ho et al. disclose the apparatus as recited in claim 16 further comprising: means for transmitting a radio link release message from said base station controller to said base station in response to detecting a failure of said mobile station in passing said security feature process (col. 4, lines 19-24. Inherently, the base station controller or MSC process the AAA check, such authorization, authentication and accounting check after receiving the channel request from the mobile station. The base station controller or MSC send out a termination message to the base station to terminate the mobile station, if the base station controller or MSC detect that the mobile station is failed one of the AAA check).

Regarding claim 18, this claim is rejected for the same reasons as set forth in claim 15

Regarding claim 20, Ho et al. disclose all the limitation in claim 11. Further, Ho et al. disclose the apparatus further comprising: means for allocating a portion of communication resources at said base station for response to said request message for acquiring a data packet channel (col. 4, lines 21-36).

### **Reasons for Allowance**

3. The following is an examiner's statement of reasons for allowance:

Claims 9 and 19 are objected.

Claims 9 and 19 are objected to as being dependent upon a rejected base claim 2 and 12, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method further comprising: **starting a timer at said base station controller for measuring time expired after receiving said notification message; transmitting a radio link release message from said base station controller to said base station in response to detecting expiration of said timer with respect to a timer threshold before receiving said indication message.**

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamalainen et al. (Pub. No: 20020057667) data transmission method



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Lee et al. (Pub. No: 20010021180) scheduling packet data service

Turunen et al. (U.S. 6690679) bearer management

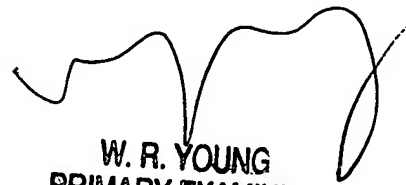
Hamalainen et al. (U.S. 6167248) data transmission in a radio network

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 703-605-4373. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2685  
Date: 05-26-2005



W. R. YOUNG  
PRIMARY EXAMINER